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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 VICTORIA J. GODWIN,

11 Plaintiff(s),

12 v.

13 CITY REDEVELOPMENT LLC, et al.,

14 Defendant(s).
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Case No.: 2:18-cv-1011-RFB-NJK

Order

(Docket Nos. 1, 2)

16 This matter is before the Court on Plaintiff's application to proceed *in forma pauperis* and
17 request for judicial notice. Docket Nos. 1, 2. Plaintiff has requested authority, pursuant to 28
18 U.S.C. § 1915, to proceed *in forma pauperis*, and submitted a complaint. Docket No. 1; *see also*
19 Docket No. 1-1. Applications to proceed *in forma pauperis* are used by parties who can
20 demonstrate an inability to pay the Court's \$400 filing fee. In determining whether to grant an
21 application to proceed *in forma pauperis*, the Court may look beyond the application to determine
22 the financial condition of the applicants. *See, e.g., Ballard v. Las Vegas Metro. Police*, 2013 U.S.
23 185112, *4 (D. Nev. Oct. 18, 2013), adopted 2014 U.S. Dist. Lexis 19284 (D. Nev. Feb. 14, 2014).

24 As a preliminary matter, Plaintiff requests the Court to take judicial notice of an order in
25 another case which granted her application to proceed *in forma pauperis*. Docket No. 2 at 1, 3.
26 Plaintiff submits that her "status and income have remained the same, while [her] health and
27 expenses have deteriorated due to the negligence of Defendants in this case." *Id.* at 1-2. However,
28 in comparing Plaintiff's application to proceed *in forma pauperis* for 2:17-cv-2178-MMD-CWH

1 at Docket No. 1, with the instant application, most of the information differs to the degree that
2 judicial notice is inappropriate. For example, in Plaintiff's initial application, she indicated that
3 her gross pay, take-home pay, and wages were \$0, that she received disability or worker's
4 compensation payments, that her social security income was \$771 per month, and that her rent was
5 \$550 per month. Docket No. 1 (2:17-cv-2178-MMD-CWH). In her instant application, she
6 indicates that her gross pay, take-home pay, and wages are \$780, that she does not receive
7 disability or worker's compensation payments, makes no note of social security income, and that
8 her rent is now \$450 per month. Docket No. 1. Therefore, the Court **DENIES** Plaintiff's request
9 for judicial notice. Docket No. 2.

10 In reviewing Plaintiff's pending application, it is clear that it is incomplete in that Plaintiff
11 indicates she has a gross pay, take-home pay, and wages in the amount of \$780 but fails to indicate
12 the source of the money. Docket No. 1.

13 As a result, the Court cannot determine whether Plaintiff qualifies to proceed *in forma*
14 *pauperis*, and her application will be denied without prejudice. The Clerk of Court shall retain the
15 petition.

16 Accordingly, **IT IS ORDERED** that:

- 17 1. Plaintiff's application to proceed *in forma pauperis* is **DENIED** without prejudice.
18 Docket No. 1. The Clerk of Court shall mail Plaintiff a blank application, and
19 Plaintiff shall have until **June 18, 2018**, in which to file a completed application to
20 proceed *in forma pauperis* or pay the \$400.00 filing fee.
- 21 2. **Failure to comply with this order will result in a recommendation to the**
22 **district judge for dismissal.**

23 IT IS SO ORDERED.

24 Dated: June 5, 2018

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NANCY J. KOPPE
United States Magistrate Judge
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